

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**June 30, 2008**

- C053821      THE PEOPLE v. HODGES      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Butz, J.
- C054090      THE PEOPLE v. JENSEN      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Raye, J.
- C054401      THE PEOPLE v. CHAPMAN      (Not For Publication)**  
The judgment is reversed. The matter is remanded to the trial court for further proceedings.  
DAVIS, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.
- C054607      THE PEOPLE v. CARTER      (Not For Publication)**  
The judgment is modified to award defendant custody credits of 353 days and conduct credits of 52 days, for a total credit of 405 days. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.
- C054782      THE PEOPLE v. STOIAN      (Not For Publication)**  
The judgment is affirmed.  
SIMS, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C055031      THE PEOPLE v. SLATER      (Not For Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.

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**Court Minutes**

**June 30, 2008 continued**

- C055296      THE PEOPLE v. WILLIAMS      (Not For Publication)**  
The judgment is affirmed.  
DAVIS, Acting P.J.  
We Concur: Raye, J.  
Butz, J.
- C055322      THE PEOPLE v. LEWIS      (Certified For Publication)**  
The order dismissing count 1 of the information (felon in possession of a firearm) is affirmed.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.
- C055446      THE PEOPLE v. HERNANDEZ      (Not For Publication)**  
The judgment is affirmed.  
MORRISON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C056752      THE PEOPLE v. STONE      (Not For Publication)**  
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to include the \$100 penalty assessment on the laboratory fee and the \$300 penalty assessment on the drug program fee. The court is directed to forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Nicholson, J.
- C056757      THE PEOPLE v. RACINE      (Not For Publication)**  
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting that defendant pleaded to count 1 and that the offense occurred in 2006 and to forward a certified copy to the Department of Corrections and Rehabilitation.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Sims, J.

**COURT OF APPEAL  
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**Court Minutes**

**June 30, 2008 continued**

- C056932      THE PEOPLE v. VALDEZ      (Not For Publication)**  
The trial court is directed to correct the minute order ... and to forward a certified copy of the corrected minute order to the probation authorities. The judgment is affirmed.  
DAVIS, Acting P.J.  
We Concur: Hull, J.  
Robie, J.
- C054324      WALTRIP et al. v. KIMBERLIN et al.;      (Certified For Publication)**  
**WELLS FARGO BANK**  
The judgment is reversed and the matter remanded for further proceedings consistent with the views expressed in this opinion. Plaintiffs shall recover their costs on appeal. ...  
MORRISON, J.  
We Concur: Raye, Acting P.J.  
Cantil-Sakauye, J.
- C054523      CHRISTIAN et al. v. FLORA et al.      (Certified For Partial Publication)**  
The judgment on the cross-complaint is reversed. The trial court is directed to enter judgment quieting title in the easement shown on the 1979 parcel map in the plaintiffs. Appellants shall recover their costs on appeal.  
BLEASE, Acting P.J.  
We Concur: Sims, J.  
Robie, J.
- C056607      WITTE v. KAUFMAN      (Not For Publication)**  
The order granting Kaufman's motion for attorney fees pursuant to the anti-SLAPP statute is affirmed. Kaufman is also awarded attorney fees on appeal, both for the prior appeal and for this appeal ... the amount to be determined by the trial court. Finally, Kaufman is awarded his costs on appeal.  
...  
HULL, J.  
We Concur: Sims, Acting P.J.  
Raye, J.
- C056834      TOWN OF PARADISE POLICE      (Not For Publication)**  
**DEPARTMENT v. SHERFIELD**  
The judgment is reversed, and the trial court is directed to enter a default order of forfeiture of the firearm confiscated from Sherfield.  
SCOTLAND, P.J.  
We Concur: Davis, J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**June 30, 2008 continued**

**C057145      In re P.N. et al; EL DORADO COUNTY      (Not For Publication)  
DEPARTMENT OF HUMAN SERVICES  
v. REBECCA N.**

The orders of the juvenile court are affirmed.

RAYE, J.

We Concur:    Nicholson, Acting P.J.  
Robie, J.

**C057364      In re R.K. et al.; SUTTER COUNTY      (Not For Publication)  
DEPARTMENT OF HUMAN SERVICES  
v. D.K.**

The orders terminating parental rights are conditionally vacated and the matter is remanded for the purpose of providing ICWA notice to the designated agent for the United Keetoowah Band of Cherokee Indians at the most recent address listed in the federal register. If the tribe responds that the children are not Indian children or eligible for enrollment, the court shall reinstate the order terminating parental rights.

HULL, J.

We Concur:    Blease, Acting P.J.  
Butz, J.

**C057799      In re JENIFER N.; SACRAMENTO      (Not For Publication)  
COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. JENIFER N.  
et al.**

The orders of the juvenile court are affirmed.

ROBIE, J.

We Concur:    Nicholson, Acting P.J.  
Raye, J.

**C058569      MARDARDO F. v. THE SUPERIOR COURT      (Not For Publication)  
OF YOLO COUNTY; YOLO COUNTY  
DEPARTMENT OF EMPLOYMENT AND  
SOCIAL SERVICES et al.**

The petition for extraordinary writ is denied. The stay of the proceedings previously issued by this court is vacated upon the finality of this decision.

DAVIS, J.

We Concur:    Scotland, P.J.  
Morrison, J.

**COURT OF APPEAL  
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**Court Minutes**

**July 1, 2008**

**MISC. ORDER 2008-009**

BY THE COURT:

Associate Justice Ronald B. Robie is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on July 3, 2008, through July 8, 2008, and on July 10, 2008, through July 11, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.  
SCOTLAND, P.J.

**C051185      THE PEOPLE v. TREVIZO      (Not For Publication)**

The judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment to reflect that the violation of Penal Code section 245, subdivision (a) (1), for which the court imposed the base term, was count 2, not count 1, of superior court case No. 03F09934, and (2) send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur:    Blease, J.  
                  Nicholson, J.

**C057471      THE PEOPLE v. CADOTTE      (Not For Publication)**

The judgment is modified ... The trial court is directed to amend the abstract of judgment to separately state all fines, fees, and penalties imposed and the statutory basis for each, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

RAYE, J.

We Concur:    Nicholson, Acting P.J.  
                  Robie, J.

**C057866      THE PEOPLE v. FIESELER      (Not For Publication)**

The judgment is affirmed.

RAYE, J.

We Concur:    Nicholson, Acting P.J.  
                  Robie, J.

**C056127      WILLMS v. WESTLAKE      (Not For Publication)**

The appeal is dismissed as moot. The parties shall bear their own costs on appeal. ...

SCOTLAND, P.J.

We Concur:    Sims, J.  
                  Robie, J.

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**Court Minutes**

**July 2, 2008**

<b>C055868</b>	<b>THE PEOPLE v. CRANFORD</b> The appeal is dismissed. MORRISON, J. We Concur: Raye, Acting P.J. Cantil-Sakauye, J.	<b>(Not For Publication)</b>
<b>C056385</b>	<b>THE PEOPLE v. PICKLESIMER</b> The appeal is dismissed. MORRISON, J. We Concur: Scotland, P.J. Raye, J.	<b>(Certified For Publication)</b>
<b>C057233</b>	<b>THE PEOPLE v. ARCHANGEL</b> The judgment is affirmed. ROBIE, J. We Concur: Sims, Acting P.J. Nicolson, J.	<b>(Not For Publication)</b>
<b>C057598</b>	<b>THE PEOPLE v. CONLEY</b> The judgment is affirmed. SCOTLAND, P.J. We Concur: Sims, J. Cantil-Sakauye, J.	<b>(Not For Publication)</b>
<b>C054229</b>	<b>SHEAFFER v. BOARD OF RETIREMENT OF THE SAN JOAQUIN COUNTY EMPLOYEES' RETIREMENT SYSTEM; SAN JOAQUIN COUNTY EMPLOYEES' RETIREMENT FUND</b> The judgment is affirmed. MORRISON, J. We Concur: Nicholson, Acting P.J. Raye, J.	<b>(Not For Publication)</b>

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**July 2, 2008 continued**

**C055224      SUNSET SKYRANCH PILOTS      (Certified For Partial Publication)**  
**ASSOCIATION, et al. v. COUNTY**  
**OF SACRAMENTO et al.; TAYLOR,**  
**et al.**

Insofar as the judgment denies appellants' claims under the State Aeronautics Act, the judgment is affirmed. Insofar as the judgment denies appellants' claim under California Environmental Quality Act, the judgment is reversed, and the matter is remanded to the trial court with directions to grant appellants' petition for a writ of mandate directing the respondents to undertake an initial environmental study of the project. The parties shall bear their own costs on appeal. ...

SIMS, Acting P.J.

We Concur:    Nicholson, J.

Cantil-Sakauye, J.

**C055423      Conservatorship of the Person and      (Certified For Publication)**  
**Estate of DAVID L.; JAMES D.**  
**LIVINGSTON, as Public Guardian et al.**  
**v. DAVID L.**

For the foregoing reasons, we conclude a prospective conservatee who requests substitute appointed counsel must be given a full opportunity to state the reasons for his request in accordance with *Marsden*, and the trial court's failure to afford David a full opportunity to state his reasons for requesting substitute counsel violated his right to due process of law. Because of the termination of the 2007 conservatorship, however, we dismiss the appeal as moot.

CANTIL-SAKAUYE, J.

We Concur:    Raye, Acting P.J.

Morrison, J.

**C055881      EYSTER v. EYSTER      (Not For Publication)**

The order is reversed. Appellant is awarded his costs on appeal. ...

BLEASE, Acting P.J.

We Concur:    Davis, J.

Morrison, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**July 3, 2008 continued**

- C053675      THE PEOPLE v. STAYER et al.      (Not For Publication)**  
THE COURT:  
The opinion filed June 13, 2008, in the above cause, is hereby modified ...  
These modifications do not affect the judgment.  
The petition for rehearing of defendant Robert Stayer is denied.  
BLEASE, Acting P.J.  
Sims, J.  
Robie, J.
- C053762      SINGH v. LIPWORTH**  
BY THE COURT:  
Respondent's petition for rehearing is denied.  
SCOTLAND, P.J.
- C052747      THE PEOPLE v. JOHNSON, SR.      (Certified For Partial Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Davis, Acting P.J.  
Morrison, J.
- C054914      THE PEOPLE v. ANDERSON      (Not For Publication)**  
**C054914      THE PEOPLE v. BUSTAMANTE**  
**C054916      THE PEOPLE v. RANGEL**  
The conviction against defendant Rangel for the March 18 robbery of Hartsough (count eight) is reversed and the sentence imposed thereon is stricken.  
The trial court is directed to prepare a corrected abstract of judgment for Rangel reflecting that the aggregate term is 28 years in state prison. The trial court shall forward a certified copy of this amended abstract of judgment to the Department of Corrections and Rehabilitation.  
The trial court is directed to prepare a corrected abstract of judgment for defendant Bustamante reflecting that in item 1, count four runs concurrent to count seven, for a total aggregate term of 23 years four months in state prison. The trial court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.  
The clerk's minutes of December 19, 2006, in Superior Court case No. **06F02395** are corrected to reflect that, as to count seven, the jury found Bustamante was armed with a **firearm** within the meaning of section 12022, subdivision (a) (1).  
In all other aspects, each of the three judgments is affirmed.  
BUTZ, J.  
We Concur: Scotland, P.J.  
Davis, J.



**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**July 3, 2008 continued**

- C055078      THE PEOPLE v. PORRAS      (Not For Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.
- C055662      THE PEOPLE v. DAWSON      (Not For Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Davis, J.
- C056427      THE PEOPLE v. BRIDGES      (Not For Publication)**  
The \$32.50 fine imposed pursuant to Penal Code section 1202.5 is vacated, and the judgment is otherwise affirmed. The matter is remanded to the trial court for further proceedings with respect to said fine.  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C056465      THE PEOPLE v. PROPP      (Not For Publication)**  
The trial court is directed to prepare a corrected abstract of judgment to reflect that a \$200 restitution fine and a \$200 parole revocation restitution fine was imposed in each case and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C057027      THE PEOPLE v. JOHNSON      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Nicholson, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**July 3, 2008 continued**

**C057024      In re MARK J.; THE PEOPLE      (Not For Publication)  
v. MARK J.**

The matter is remanded to modify the challenged probation condition to include the element of knowledge and for the trial court to determine whether the offenses were felonies or misdemeanors. In all other respects, the order (judgment) is affirmed.

RAYE, J.

We Concur:    Sims, Acting P.J.  
                    Hull, J.

**July 4, 2008**

**There are no minutes for this date**